



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

SEP 7 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

Ms. Patricia Quinn
HMT Associates, L.L.C.
1850 K Street, N.W.
Suite 200
Washington, D.C. 20006-3500

Dear Ms. Quinn:

This is in response to your application dated January 11, 1999 and additional information dated March 27, and July 14, 2000 requesting modification of DOT-E 10921 to increase the size of the authorized inner packagings to 50 ounces and the total contents of any package to 300 ounces. Enclosed is a copy of DOT-E 10921 (SECOND REVISION) which grants your request.

Please be aware that DOT-E 10921 (SECOND REVISION) contains significant additional modifications. This revision reflects an effort to provide regulatory relief that balances risks associated with the materials being transported and a level of safety adequate for the transport of those materials. The exemption continues to authorize the transport in commerce of certain beverages, foods, cosmetics and medicines, and concentrates used therein, containing not more than 70% ethyl alcohol by volume, in combination packagings which are not subject to the Hazardous Materials Regulations (49 CFR 171-180), except as specified in the exemption. Major changes incorporated into DOT-E 10921 (SECOND REVISION) include the following:

- o These "alcoholic" materials meet the definition of a flammable liquid (Class 3) at the Packing Group II or Packing Group III level.
- o Removing any reference to "limited quantities."
- o Requiring polyethylene inner packagings. Glass inner packagings were authorized previously.

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- o Increasing the net capacity of inner packagings from 48 to 50 fluid ounces (4% increase).
- o Increasing the total contents of outer packagings from 288 to 300 fluid ounces (4% increase).
- o Reducing the gross weight of packages from 44 to 24 pounds (45% decrease).
- o Requiring package orientation markings.
- o Requiring the exemption number to be marked on each package.
- o Restricting transportation to motor vehicle only. All modes were authorized previously.

If you have any questions, please do not hesitate to contact Dr. George Cushman at (202) 366-4545.

Sincerely,



Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

Enclosure



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400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 10921
(SECOND REVISION)

EXPIRATION DATE: August 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Proctor & Gamble Company
Cincinnati, Ohio
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transport in commerce of certain flammable liquids, described in paragraph 6, packaged in combination packagings. Packages transported in accordance with this exemption are not subject to the Hazardous Materials Regulations (HMR; 49 CFR 171-180) except as provided herein.
 - b. The safety analyses performed in development of this exemption considered only the hazards and risks associated with transportation in commerce.
3. REGULATION SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Parts 171-180, except as specified in this exemption.
5. BASIS: This exemption is based on the Proctor & Gamble Company's application dated October 29, 1998 submitted in accordance with 49 CFR 107.109 and application dated January 11, 1999 and supplemental information dated July 14, 1999 and March 27, 2000, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

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Continuation DOT E-10921 (2nd Rev.)

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials authorized - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Materials are beverages, foods, cosmetics and medicines, and concentrates used therein, in aqueous solutions containing not more than 70% ethyl alcohol by volume. These materials meet the definition of a flammable liquid, Class 3, PG II or III and may not meet the criteria of any other hazard class. No proper shipping name is required.	N/A	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Materials listed in paragraph 6 must be packaged in combination packagings as follows:

(1) Inner packagings. Inner packagings must be polyethylene, or other non-brittle plastic, bottles and may not be over 1.5 L (50 fluid ounces) net capacity each. Glass inner packagings are not authorized.

(2) Outer packagings. Inner packagings must be packed in strong outer packagings. The total contents in each outer package may not exceed 9.0 L (300 fluid ounces).

b. OPERATIONAL CONTROLS -

(1) Each Packaging must conform to the provisions of §§ 173.24 and 173.24a.

(2) Each completed outer packaging may not exceed 11 kg (24 pounds) gross weight each.

(3) Packages must be marked with package orientation markings on two opposite vertical sides with arrows pointing in the correct upright position.

8. SPECIAL PROVISIONS:

a. The outside of each package authorized by this exemption must be plainly and durably marked with "DOT-E 10921" in letters at least one-half inch high on a contrasting background.

b. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS: None as a requirement of this exemption.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- o All terms and conditions prescribed in this exemption and the HMR, 49 CFR Parts 171-180.
- o Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of the exemption.

Issued in Washington, D.C.



Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous
Materials Safety, Research and Special Programs Administration,
Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office.
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PO: SHwang/GCushmac